

# WS Directive

2.301 05/05/06

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## MIGRATORY BIRD DAMAGE MANAGEMENT

### 1. PURPOSE

To provide guidance for managing damage caused by migratory birds to agriculture, aquaculture, natural resources, property, and human health and safety.

### 2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 2.301 dated 07/28/03.

### 3. BACKGROUND

Wildlife Services (WS) has the Federal responsibility to respond to damage caused by migratory birds. To implement its bird damage management programs, WS will initiate an integrated approach of non-lethal and/or lethal bird control activities, in partnership with the public and private sector, including State and Federal agencies. WS authority to conduct migratory bird damage management derives from permits issued by Fish and Wildlife Service (FWS) under 50 CFR 21.41.

No Federal permit is required to scare, harass, or herd depredating migratory birds other than migratory birds that are also listed as endangered or threatened species and bald or golden eagles (refer to WS Directive 2.310, Endangered and Threatened Species and WS Directive 2.315, Eagle Damage Management, for specific guidelines.).

### 4. POLICY

WS will provide assistance upon request to the public and private sector to resolve migratory bird damage problems by implementing wildlife damage management activities in accordance with applicable Federal, State, and local laws and regulations. WS assistance will occur as part of an integrated wildlife damage management program and may consist of technical assistance, direct management assistance, and/or research.

WS will, when appropriate, enter into cooperative funded agreements that provide assistance for long-term and/or short-term damage management programs. WS can also conduct damage management programs pursuant to Memorandum of Understandings (MOU) with State agencies. For assistance to the public and/or private sector seeking Federal migratory bird depredation permits, WS personnel may conduct damage assessments to obtain information on which to base bird damage management recommendations.

## 5. ASSISTANCE

### a. Technical Assistance.

1. Biological information, legal considerations, endangered species concerns, and management options relative to the species involved in the damage or nuisance problem will be provided to the private sector. Information concerning FWS depredation permit requirements and application procedures will be made available upon request.
2. Demonstration and instruction of wildlife damage management techniques will be offered when feasible. Time, material, and/or travel associated with formal training may be reimbursed.
3. The services of a private wildlife damage management business may be recommended when appropriate.
4. Bird damage management equipment may be made available to the public for demonstration purposes, temporary loan or purchase.

### b. Operational Assistance.

1. Direct management assistance to control bird damage may be provided by WS personnel to public/private cooperators.
2. WS offices are authorized to enter into MOUs, cooperative agreements, interagency agreements, and partnerships (Directive 3.101) to implement bird damage management programs.

### c. FWS Migratory Bird Depredation Permits (50 CFR 21.41).

1. WS Personnel Only. WS personnel will obtain, as appropriate, Federal permits that authorize the take of migratory birds, shall identify WS employees as the agents authorized to act under the permit authority, shall comply with all permit conditions, and shall obtain state permits as necessary. Application and renewals of such permits will be coordinated with the appropriate FWS Regional Office.
2. Cooperators and the Public. WS will assist Federal permit applicants by providing management recommendations. To assist cooperators and the public, WS will utilize WS Permit Review Form 37:
  - (i). Form 37 will be used by WS to provide FWS the basic information (as identified in regulatory language 50 CFR 21.41) required as part of the migratory bird depredation permitting process.

(ii). If during the permit application process, FWS requests information beyond what is required by regulation (50 CFR 21.41) and/or already provided in Form 37, State Directors are authorized to enter into an Interagency Agreement with FWS to collect reimbursement to defray cost for collecting, compiling, and providing FWS any additional information.

(iii). Compensation for collecting additional information will be set at a minimum of the employees hourly pay rate. State Directors are also authorized to negotiate per diem and other travel cost reimbursement rates (e.g. motor vehicle expenses) at their discretion.

## 6. REFERENCES

WS Directive 2.310, Endangered and Threatened Species (07/28/03).

WS Directive 2.315, Eagle Damage Management (08/05/03).

WS Directive 3.101, Interfacing with Business in Establishing Cooperative Programs (05/25/05).

Bald Protection Act of 1940 (16 U.S.C. 668a-668d), as amended.

Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended.

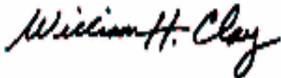
Lacey Act (18 U.S.C. 42), as amended.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712), as amended.

50 CFR Part 10 - General Provisions/List of Migratory Birds.

50 CFR Part 13 - General Permit Procedures.

50 CFR Part 21 - Migratory Bird Permits.



Deputy Administrator